

Application No. 10/677,694
Docket No. IB-8 (A4-1770)
Amendment dated July 19, 2006
Reply to Office Action of April 20, 2006

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REMARKS

In the Office Action, the Examiner reviewed claims 1-44, 46-63, and 65-72 of the above-identified US Patent Application, with the result that all of the claims were rejected under 35 USC §101, claims 1, 3, 5, 6, 9, 11-12, 17, 19, 21, 23, 25, 27, 29, 37, 38, 41-44, 46-48, 57, 59, 69, and 70 were rejected under 35 USC §102 or §103, and claims 2, 4, 7, 8, 10, 13-16, 18, 20, 22, 24, 26, 28, 30-36, 39, 40, 49-56, 58, 60-63, 65-68, 71, and 72 were deemed to recite allowable subject matter. In response, Applicants have amended the claims as set forth above. More particularly:

Independent claim 1 has been amended to incorporate all limitations of its allowable dependent claim 15 (canceled without prejudice to Applicants). As such, claim 1 and its dependent claims are believed to recite allowable subject matter.

Independent claims 1, 2, and 31 and their dependent claims have been reviewed and amended as necessary to use terminology suggested by the Examiner for overcoming the rejection under 35 USC §101.

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Applicants believe that the above amendments do not present new matter. Applicants further believe that the amendments strictly comply with 37 CFR §1.116(a) as being limited to reducing and simplifying the issues remaining in the examination of Applicants's application, namely, the cancellation of a dependent claim and incorporation of its subject matter into its parent claim, and complying with suggestions made by the Examiner to overcome the 35 USC §101 rejection. Consequently, Applicants believe that the above amendments do not raise new issues that would require further consideration and/or search by the Examiner, and place the claims in better condition for appeal.¹ MPEP §714.13.

¹ MPEP §714.13 instructs:

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims.

Except where an amendment merely *cancels claims, adopts examiner suggestions, removes issues for appeal*, or in some other way *requires only a cursory review by the examiner*, compliance with the requirement of a showing under 37 CFR 1.116(b) is expected in all amendments after final rejection. (Emphasis added.)


MPEP 714.13 further instructs: "The refusal to enter the proposed [Rule 116] amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether *the issues on appeal are simplified.*" (Emphasis added.)

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In view of the above, Applicants respectfully request favorable reconsideration and allowance of remaining claims 1-14, 16-44, 46-63, and 65-72 in view of the above amendments.

Should the Examiner have any questions with respect to any matter now of record, Applicants' representative may be reached at (219) 462-4999.

Respectfully submitted,

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